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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/083,283 | 02/23/2002 | Laura L. Dugan | 53047/31628 | 4140 |
| 21888 | 7590 | 12/09/2005 | EXAMINER | |
| THOMPSON COBURN, LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101 | | | ROYDS, LESLIE A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1614 | |
| DATE MAILED: 12/09/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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EXAMINER

ART UNIT PAPER

11022005

DATE MAILED:

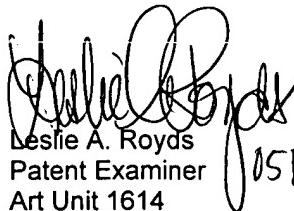
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see Attached Interview Summary.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached on Monday through Friday, 8:30 AM to 6:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christopher Low, can be reached on (571)-272-0951. The fax phone number for the organization where this application or proceeding is assigned is (571)-272-8300.


Leslie A. Royds
Patent Examiner
Art Unit 1614
15 DEC 05

| | | | |
|---|------------------------|---------------------|--|
| Examiner-Initiated Interview Summary | Application No. | Applicant(s) | |
| | 10/083,283 | DUGAN ET AL. | |
| | Examiner | Art Unit | |
| | Leslie A. Royds | 1614 | |

All Participants:

Status of Application: Pending

(1) Leslie A. Royds.

(3) Charles Romano.

(2) Christopher S.F. Low.

(4) Ken Solomon.

Date of Interview: 11/2/05, 12/5/05

Time: PM

Type of Interview:

- Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

35 U.S.C. 112, first paragraph; 35 U.S.C. 103(a); and Provisional Obviousness-Type Double Patenting.

Claims discussed:

All.

Prior art documents discussed:

103 References [Lei (USPN 6,777,445); Chiang (USPN 5,648,523); Choi (USPN 6,265,443); WO 97/46227]; and National Institutes of Aging (reference cited by Applicant).

Part II.

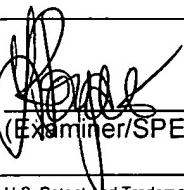
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


 CHRISTOPHER S. F. LOW
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 1600


 (Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

Interview Summary, 02 November 2005:

Enablement rejections were discussed. Examiners expressed concern that the present specification and data provided does not reasonably extrapolate to the larger and varied genus of "mammals" or "mammalian cells". Applicant's agreed to revisit the claim language in order to determine what particular species are reasonably extrapolated from the data shown in mice. Regarding the enablement of the compounds, Examiner Royds expressed concern that $(C_60(C(COOH)_2)_n$ where $n=1$ or 2 may not be adequately enabled, but would revisit the issue to determine whether such compounds were sufficiently enabled by the disclosure and supporting declarations. It was suggested to Applicant to revise the claim language in order to add comparator language to demonstrate the expected limit of the lifespan extension, since the claims essentially read upon extension of life-span without limitation (i.e., immortality). Applicant argues that the present claims are not rendered obvious by the cited references under 103 since the claims are directed to normal, healthy mammals, and not infected mammals as stated in the cited references. Since the claims do not exclude infirmed or impaired mammals from the invention, it was suggested that Applicant amend the claims to that effect. Applicant stated that the copending claims of the provisional application over which the present claims were rejected under obviousness-type double patenting have been recently cancelled. Examiners agreed that such a rejection may be obviated in view of such cancellation, but that the claims would be reviewed to determine whether the rejection could be withdrawn.

Interview Summary, 05 December 2005:

The amount of lifespan increase was discussed with regard to the language in the claims. A further defining limitation stating that the process extended the lifespan beyond the generic expected lifespan of the mammal or mammalian cell would be acceptable, but raised the question as to where the endpoint of the lifespan increase actually cuts off.

Examiner Low explained that, absent such language delimiting the amount of lifespan increase, the claims essentially read on the mammal or mammalian cell never dying (i.e., immortality). Applicant agreed to work on amending such language to properly reflect the increase in lifespan actually demonstrated by the use of such compounds. Applicant stated that they have further comments and case law regarding the enablement issues, which will be provided in the response to the final rejection. Examiner Low explained that there may be further issues with regard to enablement in light of some recent references and information regarding efficacy of biological nanoparticulate compositions.

Examiners agreed to look at such information and provide it to Applicant for consideration prior to filing the response to the final rejection. Examiner Royds stated that $(C_60(C(COOH)_2)_n$ where $n=1,2$, or 3 are adequately enabled and supported. Regarding the art rejection over Lei et al., addition of language found at page 21 of the specification regarding the fact that the mammal or mammalian cell is not selected for disability would be potentially sufficient to define over the reference. Applicant stated that a response to final rejection and a Notice of Appeal would be filed by December 19, 2005.



05 DECEMBER 2005